



Written Description

Original Claims

Decision Tree

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Genus Analysis

Determine whether the art indicates substantial variation among the species within the genus of the claimed subject matter.

Is there is a representative number of species implicitly or explicitly disclosed?
What is a representative number of species depends on whether one of skill in the art would recognize that applicant was in possession of the necessary common attributes or features of the elements possessed by the members of the genus in view of the species disclosed or claimed.

Yes

Meets Written Description

No

Make a rejection under 35 USC 112 first paragraph as lacking written description.